

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1, 2, 4, 5, 8-10, 13, 14, 16-22 and 25-27 are amended herein.

In view of the above, it is respectfully submitted that claims 1, 2, 4, 5, 8-10, 13, 14, 16-22 and 25-27 are currently pending and under consideration.

II. REJECTION OF CLAIMS 1, 2, 4, 5, 10, 13, 14, 16, 18-22, 25 and 27 under 35 U.S.C. § 102(B) AS BEING ANTICIPATED BY GOTO ET AL. (JP 62-267985)

The present invention as recited in claim 1 (as amended herein), relates to a disk cartridge comprising "a single member having a pair of transparent windows, and attachable to and detachable from the case to allow an external light to access opposing surfaces of the disk in the case through the single member."

Goto discloses an optical disk media device having two separate attachable/detachable window members 13 and 14. On page 6, lines 14, 16-17 and 20 and FIGS. 3 and 4, for example, Goto discloses window members 13 and 14 as a pair of members, each having a single window. Therefore, the lens in Goto is used to access opposing surfaces of a disk 11 through the **pair** of window members 13 and 14 (emphasis added).

In contrast, the claimed invention recites a single member having a pair of transparent windows (see claim 1), which is different from a pair of window members 13 and 14 as taught by Goto. In the present claimed invention, a single member having a pair of transparent windows allows an external light to access opposing surfaces of the disk through the single member. It, therefore, is submitted that Goto does not disclose the features recited in claim 1 of the present invention.

In the "Response to Arguments" on pages 6-7 of the Office Action, the Examiner asserts, "Applicants should bear in mind that the Examiner is charged with interpreting the claims in a broad, yet reasonable, manner." According to MPEP § 2111, however, "the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." It is respectfully submitted that a person of ordinary skill in the art would not interpret the pair of window members 13 and 14 of Goto as being a "single integrated component" or "single unit" as suggested by the Examiner.

The Examiner further asserts, "the Applicant's specification is void of what is meant or defined by a "single" transparent window member." However, according to MPEP § 2163.07(a), "by disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter." It is submitted that paragraph 0010, lines 5-6 and FIG. 3 of the Applicant's specification teaches "a single member having a pair of transparent windows."

Similar to claim 1, claim 13 (as amended herein) recites, "a single member having a pair of transparent windows and provided in a disk cartridge having a case to contain a disk, wherein the single member is attachable to and detachable from the case and allows an external light to access opposing surfaces of the disk in the case through the single member," which distinguishes over the cited prior art.

Claim 19 (as amended herein) recites, "a single member having a pair of transparent windows, and top and bottom surfaces, wherein the single member is attachable to and detachable from the case to allow an external light to access opposing surfaces of the disk in the case through the top and bottom surfaces of the single member," which distinguishes over the cited prior art.

Claim 25 (as amended herein) recites, "a single member having a pair of transparent windows, and attachable to and detachable from the case to allow the pickup to access opposing surfaces of the disk in the case through the single member," which distinguishes over the cited prior art.

Claims 2, 4, 5, 10 and 18, claims 14 and 16, claims 20-22, and claim 27 depend from claims 1, 13, 19 and 25, respectively. Thus, for at least the reason that claims 1, 13, 19 and 25 distinguish over the cited prior art, it is respectfully submitted that claims 2, 4, 5, 10, 14, 16, 18, 20-22 and 27 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 8, 9, 17 AND 26 UNDER 35 U.S.C. § 103(A) AS BEING OBVIOUS OVER GOTO ET AL. (JP 62-267985)

The comments in section II above, apply here because claims 8, 9, 17 and 26 depend from claims 1, 13 and 25. For at least the reason that claims 1, 13 and 25 distinguish over the

cited prior art, it is respectfully submitted that claims 8, 9, 17 and 26 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10-28-04

By: Derrick L. Fields
Derrick L. Fields
Registration No. 50,133

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501